

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Derek J Kovalcin
Debtor(s)

Bankruptcy Case No.: 19-22643-CMB
Issued Per Aug. 26, 2019 Proceeding
Chapter: 13
Docket No.: 25 - 15
Concil. Conf.: January 9, 2020 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 27, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Jan. 9, 2020 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm
Judge
United States Bankruptcy Court

Dated: September 3, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Derek J Kovalcin
 Debtor

Case No. 19-22643-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Sep 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 05, 2019.

db +Derek J Kovalcin, 511 Carmalott St, Irwin, PA 15642-2504
 15095026 +American Express, Post Office Box 297871, Fort Lauderdale, FL 33329-7871
 15107394 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15080317 +Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
 15080318 Bb&t, Credit Card Disputes, Wilson, NC 27894
 15095032 +CITIBANK, 701 E 60TH ST N, Sioux Falls, SD 57104-0493
 15095033 +CITIBANK SOUTH DAKOTA N A, 701 E. 60th Street North, Sioux Falls, SD 57104-0493
 15080321 +Citizens Bank, 1 Citizens Dr, Riverside, RI 02915-3000
 15104486 +Citizens Bank N.A., One Citizens Bank Way, Mailstop: JCA115, Johnston, RI 02919-1922
 15095037 +Excela Health, 134 Industrial Park Road, Greensburg, PA 15601-7328
 15080324 +Jpmcb Card, Po Box 15298, Wilmington, DE 19850-5298
 15080325 +Kubota Credit Corporat, Po Box 2046, Grapevine, TX 76099-2046
 15114689 +Lakeview Loan Servicing, LLC, PO Box 840, Buffalo, NY 14240-0840
 15080326 +M & T Bank Mortgage, 1 Fountain Plz, Buffalo, NY 14203-1495
 15080327 Mfgrs & Traders Trust, Po Box 7678, Buffalo, NY 14240
 15080328 +Midland Funding, 320 East Big Beaver, Troy, MI 48083-1271
 15103322 +Norwin School District, c/o Maiello Bruno & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
 15080330 Sheffield Financial Co, Attn Credit Disputes Dept, Clemmons, NC 27012
 15080333 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 15095052 +Weltman Weinberg & Reis, 436 7th Avenue, Suite 2500, Pittsburgh, PA 15219-1842

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 04 2019 03:39:19
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15095027 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 04 2019 03:38:55 American Info Source Lp, Post Office Box 248848, Oklahoma City, OK 73124-8848
 15080319 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 04 2019 03:39:16 Cap1/bstby, Po Box 30253, Salt Lake City, UT 84130-0253
 15085381 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 04 2019 03:38:16 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
 15080320 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 04 2019 03:38:16 Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 15080322 +E-mail/Text: bankruptcy@clearviewfcu.org Sep 04 2019 03:33:42 Clearview Federal Cu, 8805 University Blvd, Coraopolis, PA 15108-4212
 15083931 E-mail/Text: mrdiscen@discover.com Sep 04 2019 03:32:50 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15080323 +E-mail/Text: mrdiscen@discover.com Sep 04 2019 03:32:50 Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
 15095040 +E-mail/Text: cio.bncmail@irs.gov Sep 04 2019 03:33:00 Internal Revenue Service, 1000 Liberty Avenue, Room 727, Pittsburgh, PA 15222-4107
 15109105 +E-mail/Text: bankruptcydpt@mcmeg.com Sep 04 2019 03:33:41 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 15080329 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 04 2019 03:38:19 Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
 15095048 +E-mail/PDF: gecscedi@recoverycorp.com Sep 04 2019 03:38:10 SYNCB, C/O P O BOX 965015, Orlando, FL 32896-0001
 15080331 +E-mail/PDF: gecscedi@recoverycorp.com Sep 04 2019 03:38:10 Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
 15080332 +E-mail/PDF: gecscedi@recoverycorp.com Sep 04 2019 03:38:11 Syncb/sams Club Dc, Po Box 965005, Orlando, FL 32896-5005
 15080622 +E-mail/PDF: gecscedi@recoverycorp.com Sep 04 2019 03:38:10 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Lakeview Loan Servicing, LLC
 cr* +Norwin School District, c/o Maiello Bruno & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
 15095028* +Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
 15095029* Bb&t, Credit Card Disputes, Wilson, NC 27894
 15095030* +Cap1/bstby, Po Box 30253, Salt Lake City, UT 84130-0253
 15095031* +Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 15095034* +Citizens Bank, 1 Citizens Dr, Riverside, RI 02915-3000
 15095035* +Clearview Federal Cu, 8805 University Blvd, Coraopolis, PA 15108-4212
 15095036* +Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
 15095038* +Internal Revenue Service, Insolvency Unit, POB 7346, Philadelphia, PA 19101-7346
 15095039* Internal Revenue Service, Insolvency Unit, POB 628, Pittsburgh, PA 15230
 15095041* +Jpmcb Card, Po Box 15298, Wilmington, DE 19850-5298
 15095042* +Kubota Credit Corporat, Po Box 2046, Grapevine, TX 76099-2046
 15095043* +M & T Bank Mortgage, 1 Fountain Plz, Buffalo, NY 14203-1495
 15095044* Mfgrs & Traders Trust, Po Box 7678, Buffalo, NY 14240

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 35

Date Rcvd: Sep 03, 2019

***** BYPASSED RECIPIENTS (continued) *****
15095045* +Midland Funding, 320 East Big Beaver, Troy, MI 48083-1271
15095046* +Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
15095047* Sheffield Financial Co, Attn Credit Disputes Dept, Clemmons, NC 27012
15095049* +Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
15095050* +Syncb/sams Club Dc, Po Box 965005, Orlando, FL 32896-5005
15095051* +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497

TOTALS: 1, * 20, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 05, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 3, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmllawgroup.com
Jennifer L. Cerce on behalf of Creditor Norwin School District jlc@mbm-law.net
Lawrence W. Willis on behalf of Debtor Derek J Kovalcin ecf@westernpabankruptcy.com,
urfreshstrt@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmeecf@chapter13trusteewdpa.com

TOTAL: 5